REMARKS

Amendments to the Specification

Applicants amend the specification to correct minor typographical errors. No new matter is submitted with this amendment.

Amendments to the Claims

In the Office Action, the Examiner rejected claims 1-36 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,709,335 to Okamoto ("Okamoto") in view of U.S. Patent No. 6,167,979 to Taylor et al. ("Taylor").

In this Amendment, Applicants cancel claims 3, 16, and 24-36, without prejudice or disclaimer, and amend claims 1 and 12 to incorporate the recitations of claims 3 and 16, respectively. No new matter has been added.

Applicants respectfully submit that newly-amended claims 1 and 12 are patentable over the cited art because neither Okamoto nor Taylor teach or disclose an apparatus comprising, *inter alia*, a governor selecting device that transmits either a throttle signal or fuel signal to one of two governors as a function of whether or not the vehicle is in motion.

In the Office Action, the Examiner states,

> Okamoto discloses an electronic governor control for an internal combustion engine. The apparatus as shown in Figure 1 comprises a first fuel governor-calculating unit 4, a first sensor 6 inputs a signal N showing the actual speed of the internal combustion engine 2, a second sensor 7 inputs a temperature signal T showing the temperature of the engine coolant at each instant, and a third sensor 8 inputs a first amount signal A_1 indicating the amount of depression of the accelerator pedal 22.
> To the second unit 5, signals N and T are applied as well as a second amount signal A_2 from a second acceleration detector 9. First and second fuel governor-calculating units each produce a control signal S_1 and S_2 respectively in response to the input signals. Control signal S_1 controls the engine speed in accordance with a minimum-maximum speed governor characteristic. Control signal S_2 controls the engine speed in accordance with the all-speed governor characteristic.
> A governor selective device operable to be coupled with the first and second governor calculating devices to receive signals S_1 and S_2 and operable to transmit one of the first and second signals as a function of the first signal.

> Okamoto does not show a sensor operable to determine a first characteristic of the vehicle indicative of whether the vehicle is in motion.
> Taylor discloses a dynamic speed governing apparatus comprising a vehicle speed sensor 54. The speed governing apparatus adjusts an engine powering the vehicle in accordance with a difference between an operator-selected vehicle speed and a detected vehicle speed.
> It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Okamoto to include a vehicle speed sensor used in accordance with an engine governing operation as taught by Taylor in order to monitor an actual vehicle speed and compare the actual vehicle speed to a desired vehicle speed, and thereby control the throttle to minimize the difference.

Office Action, pages 2-3, ¶2. For the following reasons, Applicants respectfully disagree.

Although Taylor discloses vehicle speed sensor 54, nothing in either Taylor or Okamoto discloses cycling between one of two governors as a function of whether the vehicle is in motion, as recited in the claims. Instead, Taylor discloses, "Vehicle speed sensor 54 provides an observed vehicle speed sensor OS . . . . summing junction 76 compares signals RS [reference speed signal] and OS to determine a difference therebetween. This difference is output by junction 76 as a vehicle speed error signal SE." Taylor, col. 5, lines 62-64, col. 8, lines 39-42, and FIG. 2.

Applicants respectfully submit that vehicle speed sensor 54 of Taylor merely measures vehicle speed for calculation of vehicle speed error SE. Taylor does not disclose speed sensor 54 as being used for any other reason, including determining whether the vehicle is in motion for use in deciding which of two governors are to be used.

Furthermore, nothing in Okamoto overcomes the above-noted deficiency of Taylor.

In the Office Action, the Examiner states, "It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Okamoto to include a vehicle speed sensor used in accordance with an engine governing operation as taught by Taylor in order to monitor an actual vehicle speed and *compare the actual vehicle speed to a desired vehicle speed*, and thereby control the throttle to minimize the difference." *Applicants' emphasis added.*

If Okamoto and Taylor are combined, Applicants agree with Examiner's assertion.

Even assuming Examiner's arguendo that it would have been obvious to combine Taylor with Okamoto, the combination does not teach, disclose, or suggest the recitations of the amended claims. In particular, even though combining Taylor with Okamoto may result in a governor configured to compare vehicle speed with actual speed, the claimed invention does not recite this. Instead, the claimed invention recites an apparatus comprising, *inter alia*, a governor selecting device that transmits either a throttle signal or fuel signal to one of two governors as a function of whether or not the vehicle is in motion.

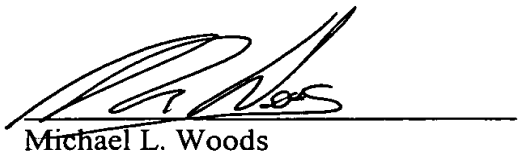
Therefore, Applicants respectfully submit that independent claims 1 and 12 are patentable in view of Taylor and Okamoto. Additionally, claims 2, 4-11, 13-15, and 17-23, which depend from one of these independent claims, are also therefore allowable. In view of the aforementioned remarks, Applicants respectfully request the Examiner to withdraw this rejection.

Conclusion

Applicants respectfully submit that the application is in condition for allowance. If the Examiner has any questions or believes a telephone conversation might otherwise advance prosecution of this case, the Examiner is invited to call the undersigned.

Please grant any extensions of time required to enter this Response and charge any additional necessary fees to Deposit Account No. 03-1129.

Respectfully submitted,



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